

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF JULY 16, 2013

PLANNING COMMISSION
MINUTES OF JUNE 18, 2013
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,
Weller

MEMBERS ABSENT: Woodruff

STAFF PRESENT: Cochran, City Planner
Rynbrandt, Director of Community Services
Lucar, Administrative Secretary
DeLange, Chief Building Official

OTHERS PRESENT: Sarah Traxler and Chris Khorey - McKenna & Associates

Chair Spencer called the meeting to order at 7:00 PM. Woodruff was previously excused from the meeting due to military leave.

APPROVAL OF MINUTES

The minutes of May 21, 2013 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request for Special Use Approval for McDonald's Drive-Through Restaurant. The property is located at the northwest corner of Chicago Drive and Freeman Avenue, SW. (Section 2) (Williams & Works) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to construct a 4,145 sq. ft. drive-through restaurant. The redevelopment

project includes the demolition of an obsolete commercial building on Chicago Drive and four single family homes on Rathbone Street. Also, the existing alley running through the property will be reoriented to turn north and extend to Rathbone Street instead of Freeman Avenue. The rezoning of the single family homes, and authorization for the relocation of the alley, was approved by the City Council on May 6, 2013, after recommendation from the Planning Commission. The proposed drive through restaurant is allowable by Special Use Approval from the Planning Commission in this B-1 Local Business district. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed McDonald's drive-through restaurant will be a significant change to this area. It is replacing a commercial building and four residences that have existed for many decades. However, the majority perception is that this change is beneficial to neighboring properties. The reinvestment in this area, the employment that it will bring, and the extensive landscaping to blend into the neighborhood, are all positive effects on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. Adjacent to this property is a Taco Bell drive-through restaurant. The proposed McDonald's is an identical use. The proposed drive-through restaurant is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The Traffic Impact Analysis executive summary states that this restaurant will function without significant impact upon the public streets. The Wyoming Engineering Department concurs with the findings. The deceleration lane on Chicago Drive that is suggested does not appear feasible and is not being pursued by the developer, City or MDOT. No adverse traffic impacts are anticipated.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed restaurant will replace an obsolete commercial building and several homes. It is a redevelopment project that will infuse new investment into an area of the community that has seen little. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed restaurant use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no other concerns.

- g. That all other provisions of this chapter are met.

The project will require several variances from the Board of Zoning Appeals that will be addressed under the site plan review.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided. A driveway permit from the City is required for Freeman Avenue, as well as removal of the existing residence driveways. A driveway permit from MDOT is required for Chicago Drive. All driveways shall meet the required design specifications of the respective agency. A 5' by 5' public access easement is required at the corner of Freeman Avenue and Chicago Drive to round the sidewalk.
2. A 20 foot wide overhead clearance is required to be maintained for the fire lanes.
3. Variances from the Board of Zoning Appeals are required for the reduced street greenbelts. A 25 foot wide greenbelt is required by Zoning Code Section 90-893 along Chicago Drive, and a 10 foot wide greenbelt is required along Freeman Avenue and Rathbone Street by Section 90-894 (6). The site plan shows a greenbelt of 8.4 feet on Chicago Drive and approximately 7 feet on both Freeman Avenue and Rathbone Street.
4. The landscape plan shows extensive plantings throughout the development. A three foot high headlight screening fence is shown along Rathbone Street. The landscape plan is adopted as part of this site plan approval.
5. The proposed dual menu boards are within 100 feet of a residential district and are visible from the public streets. Variances from Zoning Code Section 90-799-2 are required to allow this design. The developer has provided the attached menu board speaker information that substantiates no impacts to the adjoining properties. Staff would also suggest the developer voluntarily place a ground sign of up to 75 sq. ft. on the Chicago Drive frontage instead of a 30 foot high pole sign as Freeman Avenue is a residential street with homes nearby.

6. Approval of the façade plan presented at the June 18, 2013 Planning Commission meeting. (Amended)
7. The site photometric plan shows the facility to primarily be served by downward directed pole lights 21 feet in height. The light readings at the property lines are sensitive to the neighborhood with a low average illumination of 0.8 foot-candles at the perimeter of the property. The photometric plan is adopted as part of this site plan approval.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed development will allow for the redevelopment of several underutilized properties. The resulting McDonald's will provide much needed investment along Chicago Drive and will provide many new jobs for area residents. The restaurant will enhance the economic strength of the City and contribute to an overall vibrant community. The proposed McDonald's drive-through restaurant conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

The Development Review Team (DRT) recommended the Planning Commission grant Special Use Approval for McDonald's Drive-Through Restaurant per Staff's Findings of Fact. In a separate motion, the DRT recommended granting Site Plan Approval subject to conditions 1-7, with amended condition 6.

Chair Spencer opened the public hearing.

Rick Golenbiewski, 1126 Rathbone, is against the proposal. He thought a McDonald's would not economically strengthen the area since these will be minimum wage jobs. He did not like the fact that the drive-thru would be open 24/7. They have had a problem with trash from the neighboring Taco Bell, and McDonald's will only make the situation worse. The traffic movements will be difficult, with people trying to avoid the light and cutting through the neighborhood. He thought there would be a decrease in property values for the homes bordering McDonald's.

Elizabeth Shustha, 1120 Rathbone, has lived in this neighborhood for 28 years and has not experienced a problem with trash from the Taco Bell. Mr. Golenbiewski does not live in the neighborhood, and his renters have been a problem when it comes to trash and other issues. This neighborhood needs the economic benefits that McDonald's will bring in providing jobs. The school district has lost funding from businesses and industry leaving, and this development will help bring in tax revenue to support the school district.

Idalia Rolon, 1116 Rathbone, favored the plans for McDonald's and thought it was a good investment for the neighborhood. Everyone she has talked to is happy about this restaurant coming in.

Rosa Minaya, 1124 Rathbone, indicated many teenagers currently loiter in the alley, and McDonald's will provide them an opportunity for employment and to become productive. She favored the proposal.

Chair Spencer closed the public hearing.

Petitioner Jeff Brinks of Williams & Works indicated they received their City Council approvals for the rezoning and alley vacation. They are comfortable with the staff conditions of approval, and have worked hard with staff to come up with a site plan and landscaping plan that will work well for the residents, the City and McDonald's. City Planner Cochran has done an excellent job in working with them and making the review process as smooth as possible.

Motion by Hegyi, supported by Arnoys, to grant Special Use Approval for McDonald's Drive-Through Restaurant per Staff's Findings of Fact. Discussion followed.

Hegyi asked if there will be a ground-mounted sign installed. The petitioner indicated they will work with staff on this type of signage. Hegyi thought the sign requirement should be added as a condition of the Special Use Approval. Cochran noted signage is not usually addressed as a condition of Special Use Approval. Hegyi referred to a similar approval in the past that included it. Postema agreed.

Hegyi amended his motion, supported by Arnoys, to add the following condition of approval:

1. Ground-mounted signage is required.

Postema asked if the alley would be owned by the City and maintained by McDonald's. Cochran responded affirmatively. Postema noted the letter received from Mr. Golenbiewski expressing concern about insufficient drainage in the alleyway causing water to shed into his garage. Cochran said the Engineering Department has not approved the final plans and will consider the potential impacts on the neighbors. The petitioner noted McDonald's will address any storm water concerns. Postema asked the type of lighting proposed. The petitioner replied LED fixtures that are directed downward, as to have the least impact on neighboring properties. The Police Chief in his review of the plans requested the parking lot be reasonably well-lit for security purposes. Postema thought one of the light fixtures should be moved to the residential property line at Lot 31.

Hegyi amended his motion, supported by Arnoys, to add the following condition of approval:

2. Zero foot candles to be located at the residential property line at Lot 31.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Micele, to grant Site Plan Approval subject to conditions 1 – 7, with amended condition 6. Discussion followed.

Bueche asked if the parking spaces will be designed according to the drawing or the parking information provided. The petitioner replied they will be designed according to the drawing. Bueche pointed out the site plan needs to be signed by an engineer and sealed by a surveyor. The petitioner said they will have the plans signed and sealed when the final Engineering Department comments are addressed.

Weller noted, regarding the solid fence on the neighbor's side, a board-on-board fence would look best on both sides. Also, underground sprinkling should be installed along the fence line. The petitioner agreed with both suggestions.

Goodheart questioned the relocation of the overhead electrical in the alley. The petitioner said they are awaiting a response from Consumers Energy in this regard. Goodheart recommended, regarding storm drainage, rather than crown the alley, they could drain it to the east to have the smallest amount of water going towards the effected house. The petitioner said they would take this into consideration. Goodheart questioned the size of the storm water lines. Chief Building Official DeLange said this would be allowed because it has a back flow prevention.

Postema asked if there was a height overhead clearance requirement for fire lanes instead of just a width requirement. Cochran suggested they include the wording "Fires lanes shall be approved by the Fire Chief."

Hegyi amended his motion, supported by Micele, to revise condition 2:

2. Fire lanes shall be approved by the Fire Chief.

Cochran confirmed that the Engineering Department will address the storm water design in the public alley.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request for Site Plan Approval for GFS Freezer. The property is located at 651 50th Street, SW. (Section 25) (Dan Vos Construction)

Cochran described the location, existing land use and current zoning around the area. Gordon Food Service proposes to construct a 94,263 sq. ft. freezer facility. The building will complement their existing warehouse located across Clay Avenue and provides for the redistribution of their warehouse functions. The proposed development is in conjunction with the vacation of 50th Street and its reconstruction as a shortened street. The proposed 50th Street vacation was

recommended for approval by the Planning Commission on May 21, 2013 and will be considered by the City Council on July 1, 2013.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided.
2. Reconstruction plans, including provision of all required easements for 50th Street, shall be approved by the Engineering Department in conjunction with the street vacation. These shall be provided prior to building construction.
3. This development is required to provide 74 parking spaces by the Zoning Code. Thirty-six (36) spaces are shown. The two parking spaces closest to the new 50th Street cul-de-sac must be removed to provide the required 25 foot front yard greenbelt. This will result in 34 parking spaces. The petitioner thereby is requesting a parking deferment of 40 spaces. Due to the predominate warehouse employment needs of the facility, the proposed number of spaces is adequate for their needs. The authorization of banked parking by the Planning Commission is permitted under Section 90-646 (5) (a) of the Zoning Code. The banked parking area must be maintained in a landscaped appearance.
4. The proposed building is 66.8 feet in height, as measured from the mean grade. The I-2 General Industrial district has a height limit of 45 feet. A variance from the Board of Zoning Appeals is required to allow the additional height. The proposed façade plans are otherwise acceptable.
5. The existing GFS warehouse facility on Clay Avenue has created noise issues with refrigeration trucks that resulted in the construction of a sound barrier. Such use at that scale is not proposed with this GFS Freezer facility. However, any proposed parking area beyond that proposed to accommodate refrigeration trucks shall require a noise impact evaluation prior to approval.
6. A landscape plan, providing for trees in the front yard setback and parking area, is required. The plan shall be submitted to, and approved by, the Planning Department prior to installation.
7. A property combination request is required to be provided to the Assessing Department.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed GFS Freezer will provide a needed facility for Wyoming's largest employer. This will contribute to the City's economic strength. Additional employment will occur at the facility and short term employment with construction. The proposed GFS Freezer conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

The Development Review Team recommended the Planning Commission grant Site Plan Approval for GFS Freezer subject to conditions 1-7.

Motion by Micele, supported by Postema, to grant Site Plan Approval for GFS Freezer subject to conditions 1-7. Motion carried unanimously.

AGENDA ITEM NO. 3

Request for Site Plan Approval for Elite Training. The property is located at 5920 & 5930 Clyde Park Avenue, SW. (Section 36) (Elite Training)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to construct a 47,700 sq. ft. baseball and softball training facility. The business would relocate from their current facility in Grand Rapids. The entire property covers approximately 11 acres. Elite Training will acquire almost 3.4 acres for their use. The remaining property will be available for development. The two existing residences located in front of a portion of the parcel are nonconforming in this B-2 General Business district.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided. The developer shall provide an easement for review and approval for the shared detention basin. A driveway permit is required. An easement shall be provided for the access drive for the remainder of the parcel.
2. Fire Department approval is required for the hydrant location.
3. The site plan shows an overhead door oriented to Clyde Park Avenue, which is prohibited under Zoning Code Section 90-648 (4). This door must be relocated to the south elevation or a variance from the Board of Zoning Appeals obtained.
4. The building elevations show a prefinished metal wall panel for the four walls. Zoning Code Section 90-59 requires the fronts of buildings in commercial districts to be of such design and constructed of such material to be in keeping with character of the area. This particular commercial area was previously zoned I-1 Light Industrial and has industrial buildings located nearby. However, any

new construction must be of a commercial character. An amended front wall building elevation must be provided for approval by the Planning Commission.

5. A detailed landscape plan shall be provided to and approved by the Planning Department prior to installation. Irrigation is required in the front yard setback.
6. A property recombination request is required to be provided to the Assessing Department.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed Elite Training facility will provide a recreational facility for the residents throughout the region. The use will contribute to the City's economic strength and social well-being. Additional employment will occur at the facility and short term with construction. The proposed Elite Training facility conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

Cochran pointed out a minor change on the revised site plan involving elimination of one of the driveways. This will result in only one curb cut instead of two, which will be safer because of less turning movements.

The Development Review Team recommended the Planning Commission grant Site Plan Approval for Elite Training subject to conditions 1-6.

Motion by Bueche, supported by Hegyi, to grant Site Plan Approval for Elite Training subject to conditions 1-6. Discussion followed.

Micele asked how many people will occupy the building at one time. The petitioner replied anywhere from 25 to 150 people, which varies depending on the day of the week. They will be open from 2 p.m. to 8 p.m. daily, but open all day on Saturdays.

Goodheart questioned the flag-shaped lot. Cochran explained the design and confirmed it meets the ordinance requirements. Goodheart asked if they are required to sprinkle the building. Chief Building Official DeLange indicated athletic facilities such as this do not require it.

Micele mentioned the façade plan should follow the City's requirements as far as appearance. Cochran noted the façade plan will come back to the Planning Commission for their approval.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 4

Request for Site Plan Approval for For the Kids Gymnastics. The property is located on the north side of Gezon Parkway, 1,400 feet east of Burlingame Avenue, SW. (Section 35) (Geerlings Development Co.)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to construct a 20,500 sq. ft. industrial type building with the stated purpose of housing a gymnasium training facility. The business would relocate from their current facility at 5960 Burlingame Avenue. The entire property covers approximately 2.7 acres. For the Kids would utilize the front portion of the property, leaving the balance for a future use. Industrial use access to 56th Street is prohibited. The remaining property must be accessed through the front development to Gezon Parkway. The balance of the property is shown to retain the scrub woods, which provides screening to the north.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Sanitary sewer service shall utilize the existing easement through the property to the east. Storm water calculations shall be provided. The developer shall participate in the cost sharing for the Regional Storm Sewer System.
2. A detailed landscape plan shall be provided to and approved by the Planning Department prior to installation.
3. Any exterior waste receptacles shall be located behind the building face and shall be enclosed.
4. The proposed façade plan includes a masonry, metal and glass front elevation. The proposed façade plan is acceptable.
5. The proposed gymnasium facility will require a use variance from the Board of Zoning Appeals, or a Zoning Code amendment, to be permitted. For the Kids has been at their current location for several years through a use variance. A gymnastics facility requires an open floor area and high ceilings (trampolines) to properly function. The proposed building could be utilized as a suitable industrial building. Without approval of the use, it is doubtful the building construction would proceed. Zoning Code Section 90-1002 (5) requires the plan review process to be completed prior to BZA review. Site Plan Approval is valid for a period of two years.

Cochran identified the City's history in approving athletic training facilities in Industrial zones through use variances. He proposed the City consider amending the Zoning Code to potentially allow such uses in the Industrial districts.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed For the Kids Gymnastics would provide a recreational facility for the residents throughout the region. The use will contribute to the City's economic strength and social well-being. Additional employment will occur at the facility and short term employment with construction. However, consideration must also be given whether to encourage commercial uses within an industrial area and its long-term implications.

Staff Recommendation:

The Development Review Team recommended the Planning Commission grant Site Plan Approval for For the Kids Gymnastics subject to conditions 1-4.

Motion by Hegyi, supported by Weller, to grant Site Plan Approval for For the Kids Gymnastics subject to conditions 1-4. Discussion followed.

Goodheart asked if the City could potentially be in a negative position if the Planning Commission approved the site plan and the BZA subsequently denied the use variance request. Cochran indicated the petitioner has already applied for the use variance. The request may be deferred by the applicant pending consideration of a Zoning Code amendment to allow the gymnastics use.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 5

Presentation – Impediments to Fair Housing and Housing Needs Assessment.

Consultants from McKenna & Associates, Sarah Traxler and Chris Khorey, presented the results of the Impediments to Fair Housing and Housing Needs Assessment study they recently completed. They summarized the major findings of the study and gave their recommendations.

Postema questioned whether it was legal to require a rental property owner to attend a fair housing education class. Traxler said she would check on the legality of the word "require" in this regard. Rynbrandt mentioned the annual Fair Housing Seminar held by the City in conjunction with the Fair Housing Center of West Michigan to educate rental property owners and realtors on fair housing practices. The recent attendance rates for the seminar are close to 100 people.

AGENDA ITEM NO. 6

Michigan Municipal League Training held on May 30th

Rynbrandt noted City Council members had indicated they enjoyed meeting with all three groups – City Council, Planning Commission and Board of Zoning Appeals - for this training opportunity. They would like to hold it every year, perhaps in January or February.

Bueche liked how the training helped spell out the categories of responsibilities for each group.

Rynbrandt mentioned Cochran is working on handbooks for the City Council, Planning Commission and Board of Zoning Appeals to use as a guide.

Micele was in favor of shared learning opportunities between the three groups and suggested that such meetings be held twice a year.

Rynbrandt demonstrated how the Commissioners could watch the live or previous video feeds of the Planning Commission and City Council meetings through the City of Wyoming website.

AGENDA ITEM NO. 7

Election of Officers – July 16th

Cochran noted the election of officers will be at the next meeting on July 16, 2013. Hegyi asked if Woodruff had to be present at the meeting in order to accept a nomination. (Editor's Note: Lucar consulted with City Clerk Isakson, and Woodruff does not have to be present at the meeting or give his prior consent to accept a nomination.)

PUBLIC COMMENT

There was no public comment.

Postema, in serving a dual role with the Board of Zoning Appeals, pointed out the discrepancy in the Zoning Ordinance related to public versus private schools. This situation arose from a BZA consideration yesterday. Currently, private schools can be placed in the B-2 zoning district, whereas public schools cannot. He thought this needed to be changed so both types of schools have the same requirements. Chair Spencer agreed. Cochran indicated this wording was not scrutinized thoroughly during the re-crafting of the Zoning Ordinance.

Motion by Postema, supported by Goodheart, to request staff review the issue of disparity regarding private and public school system requirements in the Ordinance. Motion carried unanimously.

Cochran mentioned that next month there are no development proposals. Staff will be bringing forth some Zoning Ordinance housekeeping items and the amendment to consider athletic training facilities in the Industrial districts.

Bueche noted the City Council last evening upheld the recommendation of the Planning Commission on the proposed rezoning for the Speedway gas station.

ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

William Hegyi, Interim Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Secretary
Wyoming Planning Commission